



Patent
Case No.: 56873US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: McCULLOUGH, COLIN
Application No.: 10/779,438 Group Art Unit: 1775
Filed: February 13, 2004 Examiner: Jason L. Savage
Title: METAL-CLADDED METAL MATRIX COMPOSITE WIRE

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111 AND
A PETITION FOR A ONE (1) MONTH EXTENSION OF TIME**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<p>CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]</p> <p>I hereby certify that this correspondence is being:</p> <p><input checked="" type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p><input type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.</p> <p>Date: <u>January 27, 2006</u> Signed by: <u>Jessica L. Nolan</u></p>
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Dear Sir:

This paper response to the outstanding Office Action, dated October 4, 2005, in the above-identified application.

Under the provisions of 37 CFR § 1.136(a), Applicant petitions to extend the period for filing a reply in the above-identified application. The requested extension and appropriate fee are as follows (check time period desired):

- ☒ 37 CFR § 1.17(a)(1) - Extension within first month
☐ 37 CFR § 1.17(a)(2) - Extension within second month
☐ 37 CFR § 1.17(a)(3) - Extension within third month
☐ 37 CFR § 1.17(a)(4) - Extension within fourth month.

Please charge any fees due, or credit any overpayment to Deposit Account No. 13-3723.

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"maintaining means" (e.g., tape overwrap) over the strand. Notwithstanding the reference in the in the Office Action to col. 9, l. 21-65 and Figures 4-5 of '270 (McCullough et al.), it is unclear where '270 (McCullough et al.) clearly teaches or suggests cladding a metal matrix composite wire, or that it would even be desirable to have a cladded metal matrix composite wire. Moreover, it is unclear, where '270 (McCullough et al.) clearly teaches or suggests having the "maintaining means" over a wire such that the resulting material would have the uniformity and roundness values required by Applicants' claims, or that such a construction is even desirable. Hence, it is submitted the Office Action fails to make a prima facie case of obviousness.

Claims 2-24 depend directly or indirectly from claim 1. Claim 1 is patentable, for example, for at least the reasons given above. Therefore, claims 2-24 should also be patentable.

Claims 26-47 depend directly or indirectly from claim 25. Claim 25 is patentable, for example, for at least the reasons given above. Therefore, claims 26-47 should also be patentable.

In summary, the rejection of claims 1-47 under 35 USC §103(a) as being unpatentable over '270 (McCullough et al.) should be withdrawn.

In view of the above, it is submitted that the application, as amended, is in condition for allowance. Reconsideration of the application is requested.

Allowance of claims 1-47 at an early date is solicited.

Respectfully submitted,

Date Jan 27, 2006

By: [Signature]

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